

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by David M. Abramson, Planner II

SUBJECT: Resolution: DG 9-1-04 / 04-413 / Diamond III, 10230 West State Road 84 / Generally located on the southside of Southwest 101st Road, approximately 1,000' west of Nob Hill Road.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "DIAMOND 5 PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 9-1-04 / 04-413 / Diamond III, 10230 West State Road 84)

REPORT IN BRIEF: Petitioner is requesting to amend the restrictive note on "Diamond 5 Plat":

From: "This plat is restricted to 18,500 square feet of office use. Commercial/Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

To: "This plat is restricted to 42,500 square feet of office use. Commercial/Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

The Petitioner is requesting to amend the restrictive note on the "Diamond 5 Plat" to reflect the new level of development on this property. The property is adjacent to Southwest 101st Road and local road improvements appear not to be needed in this area. However, any concurrency requirements for mitigation measures should be in the Town of Davie.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: N/A

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachments: Resolution, Planning Report, Justification letter, Plat, Future Land Use Map, Zoning, and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "DIAMOND 5 PLAT," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the "Diamond 5 Plat" was recorded in the public records of Broward County in Plat Book 159, Page 8; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the "Diamond 5 Plat." The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie on the local road network.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2005.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2005.

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Owner/Petitioner:

Name: Christian J. Klink, Diamond III, LLC
Address: 3900 Southwest 30th Avenue
City: Ft. Lauderdale, Florida, 33312
Phone: (954) 581-1606

Background Information

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend the restrictive note on "Diamond 5 Plat":

From: "This plat is restricted to 18,500 square feet of office use. Commercial/Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

To: This plat is restricted to 42,500 square feet of office use. Commercial/Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

Address/Location: 10230 West State Road 84 / Generally located on the southside of Southwest 101st Road, approximately 1,000' west of Nob Hill Road

Future Land Use Plan Map: Commerce/Office

Zoning: CC, Commerce Center

Existing Use: Vacant land

Proposed Use(s): Building "A" (Two-story office) = 13,626 Sq. Ft.
Building "B" (Two-story office) = 12,220 Sq. Ft.
Building "C" (Two-story office) = 13,626 Sq. Ft.

	Total	39,298 Sq. Ft.
Parcel Size:	3.2988 acres (143,698 square feet)	

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	State Road 84	Transportation
South:	Elementary School	Commercial
East:	Vacant (Proposed Indian Ridge Commerce)	Commercial
West:	Vacant (Proposed Nob Hill Park of Commerce)	Commerce / Office

	<u>Surrounding Zoning:</u>
North:	CC, Commerce Center
South:	CF, Community Facility
East:	CC, Commerce Center
West:	CC, Commerce Center

Zoning History

Related Zoning History:

The property was annexed into the Town of Davie through House Bill 880, effective October 1, 1981.

Concurrent Request on same property:

Delegation Request (SP 8-10-04) this application is proposing to amend the plat restriction note from 18,500 square feet of office use to 42,500 square feet of office use. Commercial / Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. Any concurrency requirements for mitigation measures shall be in the Town of Davie.

Previous Requests on same property:

Plat Application (P 9-1-04), On November 16, 1994, Town Council approved a plat and authorizing the Mayor and Town Clerk to acknowledge such approval by affixing the mayor's signature and the town seal to such plat; and providing an effective date.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 4. This planning area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village at Harmony Lake development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as are several planned residential communities and mobile home parks.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-24 (J)(3)), the CC District is intended to implement the commerce/office classification of the Town of Davie Comprehensive Plan by providing for development of office, research, business and light industrial complexes at suitable locations throughout the town. A commerce center development may serve as a major source of employment and will complement the appearance and welfare of the town. This district contains regulations designed to promote flexibility in planning and design.

Land Development Code (Section 12-83), Conventional Nonresidential Development Standards, CC, Commerce Center District, requires setbacks: front 60', side 5' minimum and 25' maximum, rear 25', and maximum height of 45'.

Land Development Code (Section 12-208 (A)(22)), Requirements for off-street parking, for office, business, professional, governmental, and financial institutions requires one (1) space for every 300 square feet of gross floor area.

The Broward County Land Development Code requires Delegation Requests for plat note amendments.

Application Details

The petitioner requests approval of the resolution to authorize the change in the restrictive note on the "Diamond 5 Plat" **From:** "This plat is restricted to 18,500 square feet of office use. Commercial/Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

To: "This plat is restricted to 42,500 square feet of office use. Commercial/Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

Staff Analysis

The Comprehensive Plan and Land Development Code permits parcels designated CC, Commerce Center District to be developed with office uses. Approval of this request is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie. The property is adjacent to Southwest 101st Road and local road improvements appear not to be needed in this area. However, any concurrency requirements for mitigation measures should be in the Town of Davie.

Findings of Fact

Staff finds that the proposal to develop 42,500 square feet of office use is consistent with the CC, Commerce Center District, Commerce/Office Land Use Plan Designation, and is compatible with the surrounding area. Staff has no objection to the request.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Exhibits

1. Justification Letter
2. Plat
3. Future Land Use Plan Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

"Exhibit 1 - Justification Letter"

MASTRIANA & CHRISTIANSEN, PA

ATTORNEYS AT LAW

1500 North Federal Highway, Suite 200, Fort Lauderdale, Florida 33304

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Stephen V. Hoffman, Esq.

Email: Steve@m-c-law.com

Direct Fax: (954) 566-9219

Broward (954) 566-1234

Dade (305) 949-1234

Main Facsimile: (954) 566-1592

September 8, 2004

VIA HAND DELIVERY

Marcie Nolan, AICP
Planning Supervisor
Town of Davie
6591 Orange Drive
Davie, FL 33314

RE: Diamond III Plat

Dear Ms. Nolan:

This office represents Diamond III, LLC, the owner of the property described as the Diamond 5 Plat recorded in Plat Book 159, Page 8 of the public records of Broward County, Florida. This 3.3 acre parcel is located on the South side of S.R. 84 just East of Nob Hill Road. The plat is restricted to 18,500 square feet of office use. We are pleased to submit our application to amend the plat note to permit a 42,500 square foot office development. The developer intends to construct 3 two-story office buildings ranging from 11,000 square feet to 14,750 square feet.

The current plat note reads as follows:

"This Plat is restricted to 18,500 square feet of office use. Commercial/Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

The proposed plat note will read as follows:

"This Plat is restricted to 42,500 square feet of office use. Commercial/Retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

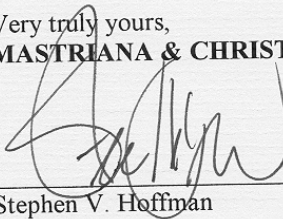
Marcie Nolan, AICP
September 8, 2004
Page 2

Currently, there is an unmet market demand for quality, low-rise office space in this area. This proposal will help fill this demand. Enclosed please find a conceptual site plan showing the orientation of the proposed office development.

Enclosed for your use are 3 copies of the survey, plat and proposed site plan along with the application package and the \$500 application fee.

We will be happy to answer any questions you may have. Please place this item on the earliest available City Commission agenda for approval. Thank you for your consideration in this regard.

Very truly yours,
MASTRANA & CHRISTIANSEN, P.A.



Stephen V. Hoffman
For the Firm

SVH
Enclosures

PLAT BOOK 59 PAGE 8

95-358897

DIAMOND 5 PLAT
A REPLAT OF A PORTION OF TRACTS 1 AND 2, TIER 95, SECTION 7, TOWNSHIP 50 SOUTH, RANGE 41 EAST, JOHN M. NEWMAN'S SURVEY (P.B. 2, PG. 26, B.C.R.)
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.

TOWN PLANNING AND ZONING BOARD:
This is to certify that this plat is approved and accepted by the Planning and Zoning Board of the Town of Davie, Broward County, Florida, on this 19th day of August, 1995.

TOWN COUNCIL:
This is to certify that this plat is approved and accepted by the Town Council of the Town of Davie, Broward County, Florida, on this 19th day of August, 1995.

DEVELOPMENT SERVICES DEPARTMENT:
This is to certify that this plat is approved and accepted by the Development Services Department of the Town of Davie, Broward County, Florida, on this 19th day of August, 1995.

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT:
This is to certify that this plat is approved and accepted by the Finance and Administrative Services Department of Broward County, Florida, on this 19th day of August, 1995.

BROWARD COUNTY ENGINEERING DIVISION:
This plat was approved and accepted for record this 19th day of August, 1995.

BROWARD COUNTY PLANNING COUNCIL:
This plat was approved and accepted for record this 19th day of August, 1995.

BROWARD COUNTY DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT:
This plat is hereby approved and accepted for record.

CENTRAL BROWARD DRAINAGE DISTRICT APPROVAL:
This plat is hereby approved and accepted for record.

SURVEYORS CERTIFICATE:
I hereby certify that this plat is a true and correct representation of the land described herein, and that the same has been surveyed in accordance with the laws of the State of Florida, and that the same is in accordance with the official records of the State of Florida.

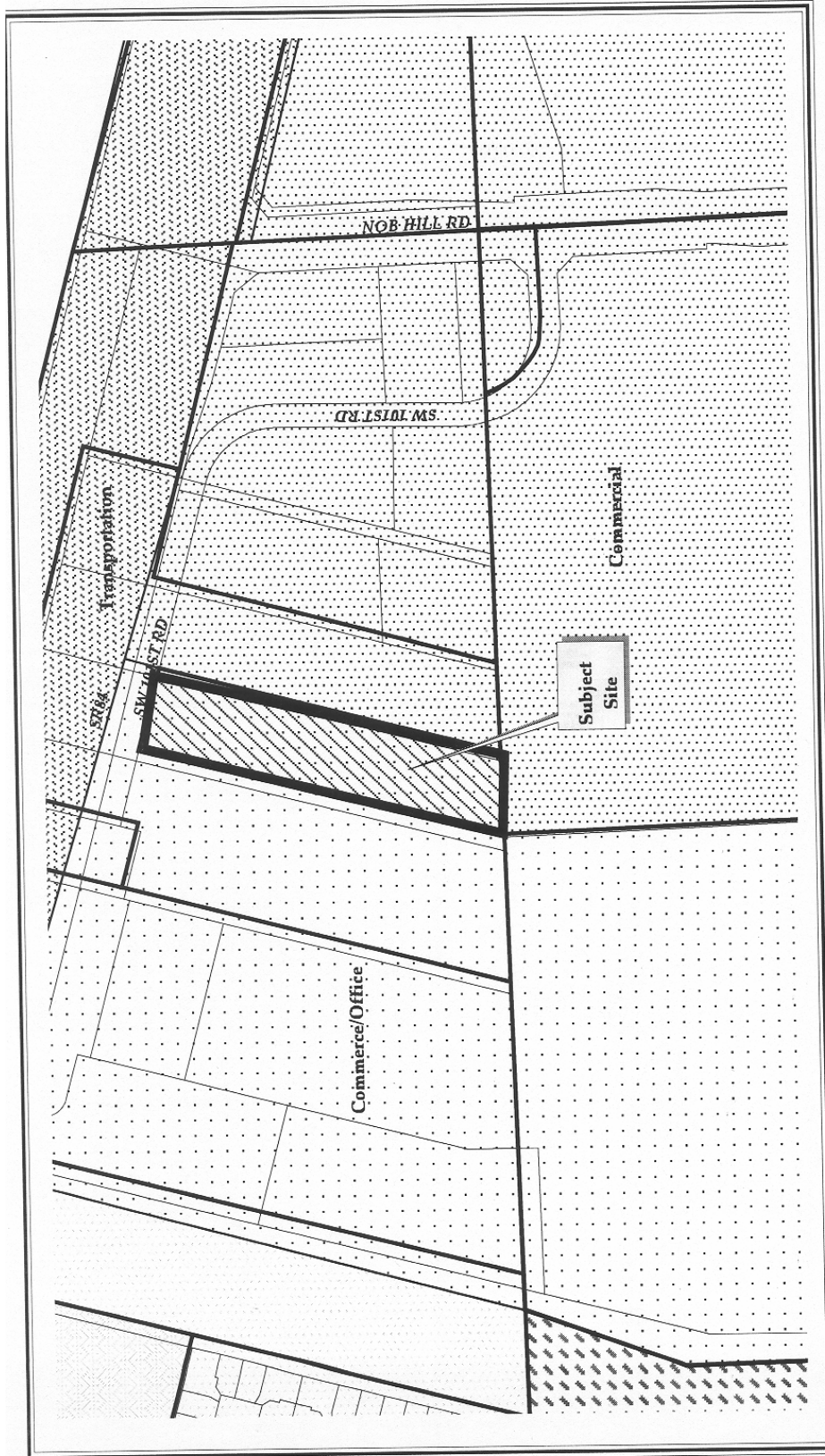
ACKNOWLEDGEMENT:
STATE OF FLORIDA, S.S.
I, the undersigned, being a duly qualified and licensed Surveyor in the State of Florida, do hereby certify that the foregoing plat is a true and correct representation of the land described herein, and that the same has been surveyed in accordance with the laws of the State of Florida, and that the same is in accordance with the official records of the State of Florida.

NOTES:
O P.A.K. indicates Permanent Reference Monument.
- - - - - indicates non-physical access line.
1. State plane coordinates shown herein are relative to the National Geodetic Survey Transverse Mercator Coordinate System, Florida East Zone, NAD 83, and are in accordance with the official records of the State of Florida.
2. The plat is subject to the provisions of the National Geodetic Survey Transverse Mercator Coordinate System, Florida East Zone, NAD 83, and is in accordance with the official records of the State of Florida.
3. B.R. where indicated refers to benchmark elevation.
4. Benchmarks shown herein are referenced to the National Geodetic Survey Transverse Mercator Coordinate System, Florida East Zone, NAD 83, and are in accordance with the official records of the State of Florida.
5. METES: There are no additional restrictions that are not recorded on this plat that are to be found in the public records of this county.
6. Easement shown herein is in accordance with the official records of the State of Florida.
7. Easement shown herein is in accordance with the official records of the State of Florida.
8. Easement shown herein is in accordance with the official records of the State of Florida.
9. Easement shown herein is in accordance with the official records of the State of Florida.
10. Easement shown herein is in accordance with the official records of the State of Florida.

LOCATION SKETCH:
This is to certify that this plat is approved and accepted by the Planning and Zoning Board of the Town of Davie, Broward County, Florida, on this 19th day of August, 1995.

SCALE: 1" = 50'

"Exhibit 3 - Future Land Use Map"

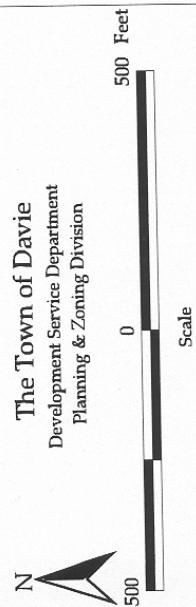


**Delegation Request
DG 9-1-04 / 04-413/ Diamond III
Future Land Use Map**

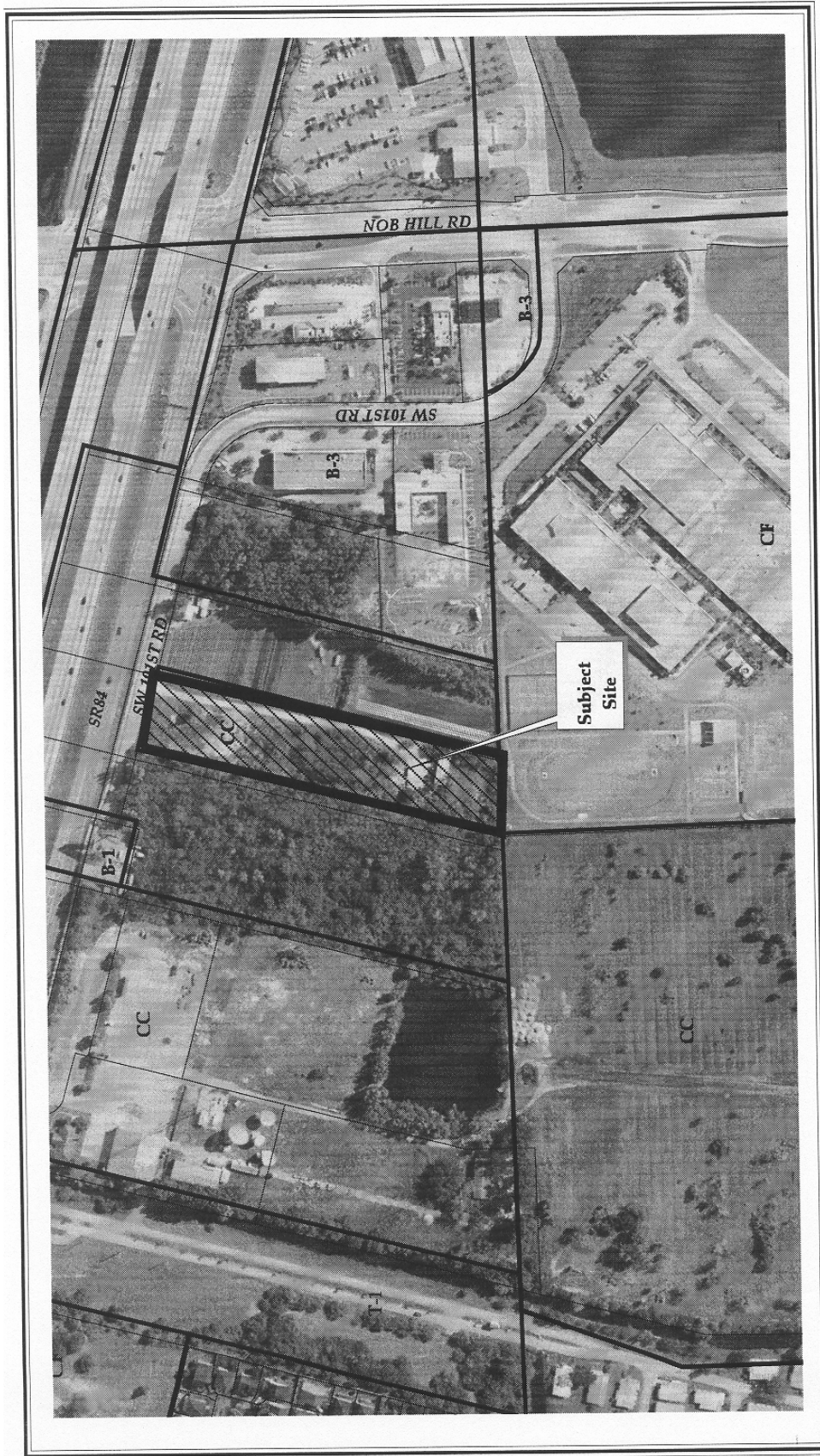
Prepared By: A.J.P
Date Prepared: 01/31/05



The Town of Davie
Development Service Department
Planning & Zoning Division



"Exhibit 4 - Aerial, Zoning, Subject Site Map"



**Delegation Request
DG 9-1-04 / 04-413/ Diamond III
Aerial, Zoning, and Subject Site Map**

Prepared By: A.J.P
Date Prepared: 01/31/05



The Town of Davie
Development Service Department
Planning & Zoning Division

